



Docket No.: 3643-0119PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gerd DAHMS et al.

Application No.: 10/549,700

Confirmation No.: 9566

Filed: September 19, 2005

Art Unit: N/A

For: DEVICE AND METHOD FOR
CONTINUOUSLY PRODUCING EMULSIONS
OR DISPERSIONS

Examiner: Not Yet Assigned

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements dated May 16, 2006, Applicant respectfully submits:

- ☒ Attached is a copy of the Notification of Missing Requirements (371 Formalities Letter).
- ☒ Attached is the Executed Declaration and Power of Attorney ☒ Original ☐ Photocopy.
- ☐ The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification that was filed in the U.S. Patent and Trademark Office on September 19, 2005, including any amendments thereto (if applicable) filed on even date therewith.
- ☒ The undersigned hereby declares that "Attorney Docket No. 3643-0119PUS1" on page 1 of the attached Inventors' Declaration corresponds to Appl. No.10/549,700 filed

September 19, 2005 entitled "DEVICE AND METHOD FOR CONTINUOUSLY PRODUCING EMULSIONS OR DISPERSIONS."

- ☒ Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.

The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.

- ☐ Attached are @@@ sheet(s) of drawings. Please substitute these replacement drawings for the corresponding @@@ sheet(s) of drawings on file in the above-identified application.
- ☐ Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).
- ☐ Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- ☐ Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.
- ☒ Attached is a preliminary amendment.
- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ Attached is a Supplemental Application Data Sheet (ADS).
- ☐ Submitted concurrently herewith under separate cover for recording is an Assignment.
- ☒ Attached is a Petition for Extension of Time.

Application No.: 10/549,700


Docket No.: 3643-0119PUS1

- ☒ The Government Filing Surcharge for late filing of oath and/or declaration in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on September 19, 2005.
- ☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: August 16, 2006

Respectfully submitted,

By 
Andrew D. Meikle
Registration No.: 32,868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
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Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment(s)

08/21/2006 MKAYPAGH 00000085 10549700

02 FC:1251

120.00 OP

Docket No.: 3643-0119PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gerd DAHMS et al.

Application No.: 10/549,700

Confirmation No.: 9566

Filed: September 19, 2005

Art Unit: N/A

For: DEVICE AND METHOD FOR
CONTINUOUSLY PRODUCING
EMULSIONS OR DISPERSIONS

Examiner: Not Yet Assigned

SUBMISSION OF ENGLISH TRANSLATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is an English translation of the above-identified application. The International Application claim numbering included a typographical error. Claim 7 began on page 27 and continued onto page 28 (the first two lines), but the second portion of claim 7 was inadvertently labeled as claim 8 on page 28. Claim 8, and subsequent claims, were all incorrectly off by one in the numbering. Thus, the International Application only should have stated claims 1-11 instead of claims 1-12.

Application No.: 10/549,700

Docket No.: 3643-0119PUS1

Dated: August 16, 2006

Respectfully submitted,

By  _____

Andrew D. Meikle

Registration No.: 32,868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant



Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 250.00

Complete if Known

Application Number	10/549,700
Filing Date	September 19, 2005
First Named Inventor	Gerd DAHMS
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	3643-0119PUS1

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: 02-2448 Deposit Account Name: Birch, Stewart, Kolasch & Birch, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$) Fee Paid (\$)

12 - 20 = 0 x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

2 - 3 = 0 x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee (\$) Fee Paid (\$)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

_____ - 100 = _____ / 50 _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 1051 Surcharge-Late filing fee	130.00
1251 Extension for response within first month	120.00

SUBMITTED BY

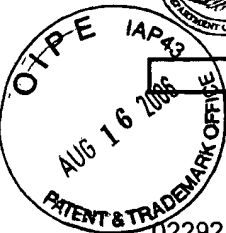
Signature		Registration No. (Attorney/Agent)	32,868	Telephone	(703) 205-8000
Name (Print/Type)	Andrew D. Meikle	Date	August 16, 2006		

5347-0105pus1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



U.S. APPLICATION NUMBER NO. 10/549,700	FIRST NAMED APPLICANT Gerd Dahms	ATTY. DOCKET NO. 4266-0111PUS1
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INTERNATIONAL APPLICATION NO. PCT/EP03/02996	
I.A. FILING DATE 03/21/2003	PRIORITY DATE

02292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

amr
DOCKETED
translation/perfect

CONFIRMATION NO. 9566
371 FORMALITIES LETTER

OC000000018794692

Date Mailed: 05/16/2006

7/16/06

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/19/2005
- English Translation of the IA filed on 09/19/2005
- Copy of the International Search Report filed on 09/19/2005
- Copy of IPE Report filed on 09/19/2005
- Information Disclosure Statements filed on 09/19/2005
- U.S. Basic National Fees filed on 09/19/2005
- Specification filed on 09/19/2005
- Claims filed on 09/19/2005
- Abstracts filed on 09/19/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - The number of claims in the International Application and the number of claims in the translation are not the same.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Small Entity:

- \$130 for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/549,700	PCT/EP03/02996	4266-0111PUS1